

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

PAMM FAMILY PROPERTIES, LLC,

Plaintiff

v.

MT. HAWLEY INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 7:24-cv-00373

DEFENDANT’S NOTICE OF REMOVAL

Defendant Mt. Hawley Insurance Company (“Mt. Hawley”) files this Notice of Removal of this action from the 370th Judicial District Court of Hidalgo County, Texas to the United States District Court for the Southern District of Texas, McAllen Division, the district and division in which the 370th Judicial District is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Mt. Hawley respectfully shows this Court as follows:

1. On August 15, 2024, Plaintiff commenced this action in the 370th Judicial District Court of Hidalgo County, Texas, entitled *Pamm Family Properties, LLC v. Mt. Hawley Insurance Company*, pending as Case No. C-3784-24-G (the “State Court Case”) by filing its Original Petition. *See* Exhibit 2, “Petition.” Mt. Hawley has not been properly served according to the requirements for service on Surplus Lines insurers under the Texas Administrative Code Chapter 7, Subchapter N. A copy of the Petition was improperly served directly on Mt. Hawley’s registered agent on August 26, 2024. *See* Exhibit 3, Notice of Service of Process. As such, removal is timely because thirty (30) days have not elapsed since Mt. Hawley first received the Petition, as required by 28 U.S.C. § 1446(b).

2. A copy of this Notice of Removal will be filed with the State of Texas District Court in Hidalgo County, and a copy of this Notice of Removal will also be served on Plaintiff. Mt. Hawley is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal with the clerk of the 370th District Court of Hidalgo County, Texas.

3. An index of all documents, a copy of the state docket sheet, and copies of each document filed in the state court action are attached hereto as Exhibits 1 - 4.

4. Plaintiff has requested a trial by jury in the State Court Case.

Ground for Removal: Diversity

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, in that this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States.

A. The amount in controversy exceeds the federal minimum jurisdictional requirements.

6. Plaintiff's Petition in the State Court Case contends that its property sustained storm damage covered under a policy of property insurance issued by Mt. Hawley, Policy No. MCP0172747 (the "Policy"). *See* Exhibit 2, ¶ 4. The Complaint alleges that Mt. Hawley breached the Policy by failing and refusing to pay for Plaintiff's claimed damage to its property. *Id.* ¶¶ 10. Plaintiff seeks to recover monetary relief over \$1,000,000 from Mt. Hawley. *Id.* ¶ 18.

7. For all of these reasons, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

B. There is complete diversity between Plaintiff and Mt. Hawley.

8. Plaintiff Pamm Family Properties, LLC is a limited liability company organized under the laws of Texas with a single member that is an individual person who is a resident and citizen of the State of Texas.

9. Defendant Mt. Hawley is a corporation organized under the laws of Illinois, with its principal place of business in Illinois. Accordingly, Mt. Hawley is a citizen of the State of Illinois for purposes of determining diversity jurisdiction, and not a citizen of the State of Texas.

10. Complete diversity exists in this case and removal is proper because Plaintiff is a citizen of Texas, and Mt. Hawley is a citizen of Illinois.

WHEREFORE, Defendant Mt. Hawley Insurance Company prays that the above-described action now pending in the 370th District Court of Hidalgo County, Texas, be removed to this Court.

Respectfully submitted,

/s/ Greg K. Winslett

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**ATTORNEYS FOR MT. HAWLEY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon all counsel of record in accordance with the Federal Rules of Civil Procedure, on this 13th day of September, 2024.

/s/ Greg K. Winslett

Greg K. Winslett